

FILED
RICHARD W. NAGEL
CLERK OF COURT

2019 APR 25 PM 12:32

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. MARCO VILLA
a/k/a Diablo

2. JIMMY FLORES

Defendants.

Case No.

3:19 cr 75

WALTER H. RICE

I N D I C T M E N T

18 U.S.C. § 922(g)(1)

21 U.S.C. § 841(a)(1)

21 U.S.C. § 846

FORFEITURE

The Grand Jury charges:

COUNT ONE

[21 U.S.C. §§ 846 and 841(b)(1)(A)]

Between in or around April 2019 and on or about April 10, 2019, in the Southern District of Ohio, defendants **MARCO VILLA**, **JIMMY FLORES**, and others known and unknown to the Grand Jury knowingly and intentionally conspired to possess with intent to distribute and to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl], a Schedule II

controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

COUNT TWO

[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)]

On or about April 10, 2019, in the Southern District of Ohio, defendants **MARCO VILLA** and **JIMMY FLORES**, aiding and abetting each other, knowingly and intentionally possessed with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl], a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

COUNT THREE

[18 U.S.C. § 922(g)(1)]

On or about April 10, 2019, in the Southern District of Ohio, defendant **MARCO VILLA** knowingly possessed firearms in and affecting interstate and foreign commerce.

Such possession occurred after defendant **MARCO VILLA** had been convicted of the following felonies, each of which was punishable by a term of imprisonment exceeding one year, namely:

a. on or about February 26, 2008, in the Butler County, Ohio, Court of Common Pleas, of complicity to trafficking in cocaine, in violation of the Ohio Revised Code;

b. on or about February 26, 2008, in the Butler County, Ohio, Court of Common Pleas, of trafficking in cocaine, in violation of the Ohio Revised Code;

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FOUR

[18 U.S.C. § 922(g)(1)]

On or about April 10, 2019, in the Southern District of Ohio, defendant **JIMMY FLORES** knowingly possessed firearms in and affecting interstate and foreign commerce.

Such possession occurred after defendant **JIMMY FLORES** had been convicted of the following felonies, each of which was punishable by a term of imprisonment exceeding one year, namely:

a. on or about October 9, 2006, in the Wood County, Ohio, Court of Common Pleas, of arson, in violation of the Ohio Revised Code;

b. on or about June 17, 2010, in the Wood County, Ohio, Court of Common Pleas, of felonious assault, in violation of the Ohio Revised Code.

In violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION 1

Upon conviction of Count One and/or Count Two of this Indictment, defendants **MARCO VILLA** and **JIMMY FLORES** shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), (1) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violation(s), and (2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation(s), including but not limited to:

- a. Glock 26 Pistol, Serial No. TFU977;
- b. S&W M&P 9mm Pistol, Serial No. DXL3713;
- c. Glock 30 Pistol, Serial No. XRK593;
- d. Radical AR Pistol, Serial No. RD263352013; and
- e. \$1,970.00 U.S. Currency seized from Marco Villa on or about April 10, 2019.

FORFEITURE ALLEGATION 2

Upon conviction of Count Three of this Indictment, defendant **MARCO VILLA** shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearm and ammunition, involved in or used in such violation, including but not limited to, the firearms listed in Forfeiture Allegation 1.

FORFEITURE ALLEGATION 3

Upon conviction of Count Four of this Indictment, defendant **JIMMY FLORES** shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearm and ammunition, involved in or used in such violation, including but not limited to, the firearms listed in Forfeiture Allegation 1.

SUBSTITUTE ASSETS

If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) or as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendants, up to the value of the property described above.

A TRUE BILL

S/
Foreperson

BENJAMIN C. GLASSMAN
United States Attorney


BRENT G. TABACCHI
Assistant United States Attorney